In the High Court of Uttaranchal, at Nainital.

Civil Misc. Writ Petition No. 1311/2003 (M/S)

Jagdish Swaroop and 24 others …. Petitioners.

Vs.

State of Uttar Pradesh and 3 others … Respondents.

Dated: October 27 ,2004.

Hon'ble Rajesh Tandon, J.

Heard Sri Anurag Bisaria, learned counsel for the petitioners and the learned Standing Counsel.

By the present writ petition the petitioners have prayed for a writ of mandamus directing the respondents to declare the provisions of U.P.Z.A. and L.R. Act applicable over the landed properties situate in village Garhi Indrajeet, Tehsil Kashipur, District Udham Singh Nagar. Further prayer has been made for a writ of mandamus commanding the respondents to declare the status of the petitioner as Bhumidhar with transferable and non-transferable rights as the case may be in accordance with their long standing cultivatory possession as hereditary tenants. At the time of the filing of the writ petition on 30.12.2003, the following order was passed:-

> "Heard Sri Anurag Bisaria, learned counsel for the petitioners. Sri J.P. Joshi learned Standing Counsel for respondent nos. 1 to 3 prays for and is granted six weeks time to file counter. Sri Brahma Singh Verma, learned Standing Counsel may take notice of the petition on behalf of the respondent No.4 and the counter may be filed in six weeks. Meanwhile the respondent authorities may consider giving effect to the suggestion as contained in Annexure-9."

The respondents therefore are directed to comply the interim order dated 30-12-2003 in accordance with the suggestion contained in Annexure-9 to the writ petition. Liberty is given to the petitioners to make representation along with

Annexure-9 to the writ petition which shall be considered by respondents and appropriate order shall be passed disposing of the representation of the petitioners.

Subject to the aforesaid, the writ petition is finally disposed of.

(Rajesh Tandon, J.)

ISB